

**BOARD OF MEDICAL LICENSURE AND  
DISCIPLINE**

**No. C02-245**

**IN THE MATTER OF DAVID MAYER, M.D.  
LICENSE NUMBER MD5189**

**Consent Order**

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1999 Reenactment) an complaints were received by the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") alleging that the David Mayer, M.D. Based upon the Report filed with the Board the Board of Medical Licensure and Discipline concludes the following:

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

1. The Respondent is a internal medicine physician who practiced medicine in Rhode Island with a principal place of business of 300 Tollgate Road, Suite 102, Warwick, R.I. 02836.
2. Two female patients (Patient A and Patient B) complained that the Respondent committed boundary violations at then same time they were being treated by Dr. Mayer.
3. With regard to Patient A: the Respondent began caring for Patient A sometime during the period in which she accompanied her husband for visits with the Respondent. In August of 2002 Patient A presented to Respondent's office with complaints of a pulsing sensation in her lower limbs. The Respondent examined Patient A in a prone position on the examining table and during the course of the examination, exposed his penis to Patient A. Patient A subsequently complained to the local police department. Following a District Court Trial, the Respondent was found guilty of Disorderly Conduct, a misdemeanor. Respondent then filed a De Novo appeal to the Superior Court. Approximately one year later the

Respondent entered a plea of nolo contendere on the misdemeanor disorderly conduct charge. The Board of Medical Licensure and Discipline finds Respondent guilty of committing the boundary violation as alleged by the complainant.

4. With regard to Patient B, the Respondent engaged in sexual contact with the patient during the existence of the doctor-patient relationship. Respondent admits entering into a sexual relationship with Patient B.
5. The Board of Medical Licensure and Discipline finds the Respondent guilty of unprofessional conduct in violation of R.I.G.L. §5-37-5.1 (7) Immoral conduct, (19) failing to adhere to the minimal standards of practice and (30) sexual contact with a patient.

**The parties agree as follows:**

1. The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
3. Respondent has read this Consent Order and understands that it is subject to the final approval of the Board. Respondent hereby acknowledges and waives:
  - a. The right to appear personally or by counsel or both before the Board;
  - b. The right to produce witnesses and evidence in his behalf at a hearing;

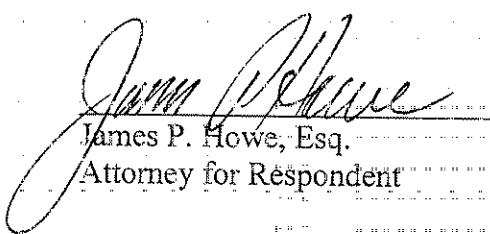
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent once the Consent Order is presented to the Board;
- j. Acceptance of this Consent Order constitutes an admission by the Respondent of the facts contained herein.
- k. This Consent Order shall become part of the public record. Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

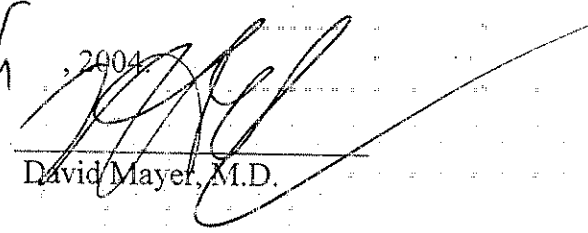
#### Sanction

The Respondent is suspended from the practice of medicine effective October 28, 2002 through March 15, 2004. The Respondent shall remain on probation for 5 years commencing March 15, 2004 during which time he shall follow the recommendations of the Professional Renewal Center where the Respondent received evaluation and treatment the Physician's Health Committee and his

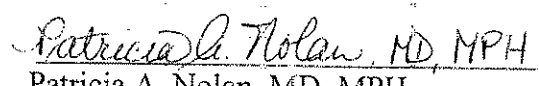
current treatment provider. Respondent must sign a five (5) year contract for monitoring with the Physicians Health Committee of the Rhode Island Medical Society. Respondent specifically waives the rights to confidentiality of any medical, psychiatric or treatment records of any kind in favor of the Board of Medical Licensure and Discipline only. Additionally, the Respondent shall attend psychotherapy sessions in accordance with the Physician's Health Committee's 5-year contract. The Respondent shall not treat or see female patients without a chaperone present. This restriction applies to both office and hospital based practice. Respondent must post a sign in his office waiting room and in each examining room indicating that the Respondent must have a chaperone acceptable to the Board for every female patient examination. Respondent may apply for relief from this Consent Order after five (5) years. The Board, in its sole discretion, may require elect to continue the restrictions. The Respondent shall pay the administrative fee of Three thousand (\$3,000) Dollars within 60 days of this ratification order.

Signed this 10 day of March, 2004.

  
James P. Howe, Esq.  
Attorney for Respondent

  
David Mayer, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on March 10, 2004.

  
Patricia A. Nolan, MD, MPH  
Director of Health